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Attorney for Defendant ENGEL HOLDINGS, INC. DBA CABRILLO HOIST

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

\*E-FILED - 3/26/07\*

MARSHALL SHALLOW

Plaintiffs,

v.

ENGEL HOLDINGS, INC. DBA CABRILLO  
HOIST; HENSEL PHELPS  
CONSTRUCTION CO; JOHN MUELLER  
and DOES 1 through 20.,

Defendants.

NO. C06-02204 RMW HRL

STIPULATION AND ORDER RE:  
CONTINUANCE OF BRIEFING AND  
HEARING DATE ON DEFENDANT  
HENSEL PHELPS' MOTION FOR  
SUMMARY JUDGMENT

1 Plaintiff Marshall Shallow, Defendant Hensel Phelps Construction Co. ("Hensel Phelps")  
 2 and Defendant Engel Holdings, Inc. dba Cabrillo Hoist ("Cabrillo Hoist") through their attorneys  
 3 of record, have met and conferred regarding Plaintiff's request for a continuance of the briefing  
 4 schedule and hearing date on Defendant Hensel Phelps' Motion for Summary Judgment.  
 5 Plaintiff's Counsel's health emergency appears to be resolving favorably, and Plaintiff's Counsel  
 6 anticipates that he will be able to file Plaintiff's Opposition Brief to Defendant Hensel Phelps'  
 7 Motion for Summary Judgment one week late, on March 16, 2007, with the hearing continued  
 8 one week to April 6, 2007. Defense Counsel for Hensel Phelps has agreed to that schedule,  
 9 avoiding the necessity of rescheduling trial and pretrial dates.

10 Based upon the foregoing, Plaintiff Shallow, Defendant Hensel Phelps and Defendant  
 11 Cabrillo Hoist hereby stipulate and agree that all Oppositions to Defendant Hensel Phelps'  
 12 Motion for Summary Judgment shall be filed on March 16, 2007, and that the hearing on such  
 13 Motion shall occur on April 6, 2007, in Courtroom 6 at 9:00 a.m., before the Honorable Ronald  
 14 M. Whyte.

15 **STIPULATED AND AGREED TO BY:**

16 Dated: March 9, 2007

LAW OFFICES OF JOHN RIESTENBERG

17 */s/ JOHN RIESTENBERG*

18 JOHN RIESTENBERG  
 Attorney for Plaintiff SHALLOW

20 Dated:

LITTLER MENDELSON

22 LINDBERGH PORTER  
 23 MARY WALSH  
 Attorneys for Defendant HENSEL PHELPS

25 Dated:

ROBINSON & WOOD

27 JESSE RUIZ  
 Attorney for ENGEL HOLDINGS, INC. DBA  
 28 CABRILLO HOIST

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16 Dated: LAW OFFICES OF JOHN RIESTENBERG

17  
 18 JOHN RIESTENBERG  
 19 Attorney for Plaintiff SHALLOW

20 Dated: *March 9, 2007* LITTLER MENDELSON  
 21  
 22 *Lindbergh Porter*  
 23 LINDBERGH PORTER  
 24 MARY WALSH  
 25 Attorneys for Defendant HENSEL PHELPS

26 Dated: ROBINSON & WOOD

27 JESSE RUIZ  
 28 Attorney for ENGEL HOLDINGS, INC. DBA  
 CABRILLO HOIST

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18 JOHN RIESTENBERG  
 19 Attorney for Plaintiff SHALLOW

20 Dated: LITTLER MENDELSON

22 LINDBERGH PORTER  
 23 MARY WALSH  
 24 Attorneys for Defendant HENSEL PHELPS

25 Dated: ROBINSON & WOOD

26 Helen S. Tiao for Jesse F Ruiz  
 27 JESSE RUIZ  
 28 Attorney for ENGEL HOLDINGS, INC. DBA  
 CABRILLO HOIST

1           **IT IS THEREFORE ORDERED** that:

2           The date for filing Opposition Briefs to Defendant Hensel Phelps' Motion for Summary  
3 Judgment is continued to March 16, 2007, and the hearing on Defendant Hensel Phelps' Motion  
4 for Summary Judgment is continued to April 6, 2007.  
5

6  
7 DATED: 3/26/07

*Ronald M. Whyte*  
UNITED STATES DISTRICT COURT JUDGE